

AMENDED IN ASSEMBLY AUGUST 21, 2003

AMENDED IN ASSEMBLY AUGUST 18, 2003

AMENDED IN ASSEMBLY JUNE 23, 2003

AMENDED IN ASSEMBLY MAY 28, 2003

AMENDED IN SENATE APRIL 8, 2003

SENATE BILL

No. 1024

**Introduced by Committee on Elections and Reapportionment
(Senators Perata (Chair), Escutia, and Murray)**

February 21, 2003

An act to amend Section 5091 of the Education Code, to amend Sections 3103, 3304, 3500, 4101, 7227, 7422, 7672, 7772, 8105, 8202, 8204, 10220, 10411, 11020, 13113, and 14242 of, *to repeal Section 8023 and Chapter 2 (commencing with Section 8350) of Part 2 of Division 18 of*, and to repeal and add ~~Section 7770~~ *Sections 7770 and 8022*, of, the Elections Code, to amend Section 26802 of the Government Code, and to amend Section 9358 of the Public Resources Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1024, as amended, Committee on Elections and Reapportionment. Elections: omnibus provisions.

(1) Existing law requires an election for the purpose of filling a vacancy in the governing board of a school district to be held not less than 130 days after the occurrence of the vacancy or after a resignation is filed with the county superintendent of schools.

This bill would impose a state-mandated local program as it would, instead, require the election to be held not less than 130 days after the order of the election.

(2) Existing law provides that a new citizen is eligible to register and vote at the office of the county elections official at anytime beginning on the 28th day before an election and ending on the 7th day prior to the election.

This bill would modify that time period to begin on the 14th day before an election, thereby imposing a state-mandated local program.

(3) Existing law requires the proponents of a recall of an elected officer to submit a notice of intention, which is required to contain the printed name, signature, and business or residence address of each of the proponents, among other requirements.

This bill would modify that provision in that it would require the proponents to submit their residence addresses or, for each proponent who cannot receive mail at his or her mailing address, an alternative mailing address.

(4) Existing law provides that a person offering to vote may be orally challenged by a member of the precinct board if the voter is not a resident of the precinct, unless the voter is registered in another precinct and he or she is moving from that precinct within 28 days prior to an election.

This bill would modify those provisions in that it would exempt a voter registered in another precinct who is moving from that precinct within 14 days prior to an election.

(5) Existing law requires the Secretary of State to compute the number of members of central committees of the Peace and Freedom Party to be elected and certify the number to elections officials and the Chairperson of the Peace and Freedom Party State Central Committee.

This bill would eliminate these duties of the Secretary of State and would, instead, require that the state party chairperson, within a prescribed period, advise the Secretary of State whether the party will hold a central committee election. If an election is not held, a county central committee would be convened pursuant to the party's rules.

(6) *Existing law requires each candidate for judicial, legislative, or statewide office to file a declaration of intention to become a candidate.*

This bill would delete that requirement and make conforming changes.

(7) Existing law requires a candidate for an elective city office to be nominated by means of a nomination paper signed by a specified

number of voters, and permits any person registered to vote at the election to circulate the nomination paper.

This bill would, in addition, require the circulator of the nomination paper to be qualified to vote for the elective office of the city for which the nomination is made, and would require that only one person circulate each nomination paper, thereby creating a state-mandated local program.

~~(7)~~

(8) Existing law requires a nomination for the office of director of a resource conservation district to be filed with the clerk of the board of supervisors of the principal county.

This bill, instead, would require the nomination to be filed with the county elections official.

~~(8)~~

(9) Existing law requires that county elections officials register electors who apply as voters.

This bill, instead, would require that county clerks register voters.

~~(9)~~

(10) This bill also makes technical, nonsubstantive changes to existing law, and corrects several erroneous cross-references to existing law.

~~(10)~~

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(11)~~

(12) This bill would incorporate additional changes in Section 3103 of the Elections Code proposed by AB 188 and AB 1679, that would become operative only if either AB 188 or AB 1679, or both bills, and this bill are chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.

~~(12)~~

(13) This bill would incorporate additional changes in Section 3304 of the Elections Code proposed by AB 188, that would become operative only if AB 188 and this bill are both chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.

~~(13)~~

(14) This bill would incorporate additional changes in Section 4101 of the Elections Code proposed by AB 1679, that would become operative only if AB 1679 and this bill are both chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.

~~(14)~~

(15) This bill would incorporate additional changes in Section 10411 of the Elections Code proposed by AB 1679, that would become operative only if AB 1679 and this bill are both chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.

~~(15)~~

(16) This bill would incorporate additional changes in Section 13113 of the Elections Code proposed by AB 718, that would become operative only if AB 718 and this bill are both chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5091 of the Education Code is amended
2 to read:

3 5091. (a) Whenever a vacancy occurs, or whenever a
4 resignation has been filed with the county superintendent of
5 schools containing a deferred effective date, the school district or
6 community college district governing board shall, within 60 days
7 of the vacancy or the filing of the deferred resignation, either order
8 an election or make a provisional appointment to fill the vacancy.
9 A governing board member may not defer the effective date of his
10 or her resignation for more than 60 days after he or she files the
11 resignation with the county superintendent of schools.

12 In the event that a governing board fails to make a provisional
13 appointment or order an election within the prescribed 60-day
14 period as required by this section, the county superintendent of
15 schools shall order an election to fill the vacancy.



(b) When an election is ordered, it shall be held on the next established election date provided pursuant to Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code not less than 130 days after the order of the election.

(c) (1) If a provisional appointment is made within the 60-day period, the registered voters of the district may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the number of registered voters of the district equal to $1\frac{1}{2}$ percent of the number of registered voters of the district at the time of the last regular election for governing board members, or 25 registered voters, whichever is greater. However, in districts with registered voters of less than 2,000 persons, a petition shall be deemed to bear a sufficient number of signatures if signed by at least 5 percent of the number of registered voters of the district at the time of the last regular election for governing board members.

(2) The petition shall be submitted to the county superintendent of schools having jurisdiction who shall have 30 days to verify the signatures. If the petition is determined to be legally sufficient by the county superintendent of schools, the provisional appointment is terminated, and the county superintendent of schools shall order a special election to be conducted no later than the 130th day after the determination. However, if an established election date, as defined in Section 1000 of the Elections Code, occurs between the 130th day and the 150th day following the order of the election, the county superintendent of schools may order the special election to be conducted on the regular election date.

(d) A provisional appointment made pursuant to subdivision (a) confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment.

(e) A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

(f) (1) Whenever a petition calling for a special election is circulated, the petition shall meet all of the following requirements:

1 (A) The petition shall contain the estimate of the elections
2 official of the cost of conducting the special election.

3 (B) The name and residence address of at least one, but not
4 more than five, of the proponents of the petition shall appear on the
5 petition, each of which proponents shall be a registered voter of the
6 school district or community college district, as applicable.

7 (C) None of the text or other language of the petition shall
8 appear in less than six-point type.

9 (D) The petition shall be prepared and circulated in conformity
10 with Sections 100 and 104 of the Elections Code.

11 (2) If any of the requirements of this subdivision are not met as
12 to any petition calling for a special election, the county
13 superintendent of schools shall not verify the signatures, nor shall
14 any further action be taken with respect to the petition.

15 (3) No person shall permit the list of names on petitions
16 prescribed by this section to be used for any purpose other than
17 qualification of the petition for the purpose of holding an election
18 pursuant to this section.

19 (4) The petition filed with the county superintendent of schools
20 shall be subject to the restrictions in Section 6253.5 of the
21 Government Code.

22 (g) Elections held pursuant to subdivisions (b) and (c) shall be
23 conducted in as nearly the same manner as practicable as other
24 governing board member elections.

25 SEC. 2. Section 3103 of the Elections Code is amended to
26 read:

27 3103. (a) Notwithstanding any other provision of the law, a
28 special absentee voter who qualifies pursuant to this section may
29 apply for a special absentee voter ballot. Any application made
30 pursuant to this section that is received by the elections official
31 prior to the 60th day before the election shall be kept and processed
32 on or after the 60th day before the election.

33 (b) If a special absentee voter submits an application
34 containing a statement that provides that due to military or other
35 contingencies that preclude normal mail delivery, as specified by
36 the voter, the voter cannot vote an absentee ballot during the
37 normal absentee voting period, and the voter is otherwise qualified
38 to vote as a special absentee voter, the elections official shall
39 immediately send the voter a ballot in a form prescribed and
40 provided by the Secretary of State, or a ballot and voter registration

1 card if required by Section 3100. The elections official shall send
2 with the ballot a list of all candidates who have qualified for the
3 ballot by the 60th day before the election and a list of all measures
4 that are to be submitted to the voters and on which the voter is
5 qualified to vote. The voter shall be entitled to write in the name
6 of any specific candidate seeking nomination or election to any
7 office listed on the ballot.

8 (c) Notwithstanding Section 15341 or any other provision of
9 law, any name written upon a ballot for a particular office pursuant
10 to subdivision (b) shall be counted for the office or nomination.

11 (d) The elections official shall receive and canvass special
12 absentee voter ballots described in this section under the same
13 procedure as absent voter ballots, insofar as that procedure is not
14 inconsistent with this section, except that prior to election day,
15 special absentee voter ballots shall be secured separately in a
16 sealed ballot box reserved for that purpose.

17 (e) In the event that a voter executes a special absentee ballot
18 pursuant to this section and the military or other contingency does
19 not exist during the normal absentee voting period, that voter may
20 make an application for an absentee ballot pursuant to Sections
21 3100 and 3101. If an application is made pursuant to this
22 subdivision, the elections official shall reject the voted ballot
23 previously cast and process the application in accordance with
24 Chapter 1 (commencing with Section 3000).

25 (f) Notwithstanding any other provision of law, a special
26 absentee voter who qualifies pursuant to this section may, by
27 facsimile transmission, register to vote and apply for an absent
28 voter's ballot. Upon request, the elections official shall send to the
29 qualified special absentee voter either by mail or facsimile
30 transmission the special absentee ballot or, if available, an absent's
31 voter ballot pursuant to Chapter 1 (commencing with Section
32 3000).

33 SEC. 2.5. Section 3103 of the Elections Code is amended to
34 read:

35 3103. (a) Any application made pursuant to this chapter that
36 is received by the elections official prior to the 60th day before the
37 election shall be kept and processed on or after the 60th day before
38 the election.

39 (b) The elections official shall immediately send the voter a
40 ballot in a form prescribed and provided by the Secretary of State.

1 The elections official shall send with the ballot a list of all
2 candidates who have qualified for the ballot by the 60th day before
3 the election and a list of all measures that are to be submitted to the
4 voters and on which the voter is qualified to vote. The voter shall
5 be entitled to write in the name of any specific candidate seeking
6 nomination or election to any office listed on the ballot.

7 (c) Notwithstanding Section 15341 or any other provision of
8 law, any name written upon a ballot for a particular office pursuant
9 to subdivision (b) shall be counted for the office or nomination,
10 providing the candidate whose name has been written on the ballot
11 has, as of the date of the election, qualified to have his or her name
12 placed on the ballot for the office, or has qualified as a write-in
13 candidate for the office.

14 (d) The elections official shall receive and canvass special
15 absentee voter ballots described in this section under the same
16 procedure as absent voter ballots, insofar as that procedure is not
17 inconsistent with this section.

18 (e) In the event that a voter executes a special absentee ballot
19 pursuant to this section and an application for an absentee ballot
20 pursuant to Section 3101, the elections official shall reject the
21 voted ballot previously cast, cancel the voter's permanent absent
22 voter status, and process the application in accordance with
23 Chapter 1 (commencing with Section 3000).

24 (f) Notwithstanding any other provision of law, a special
25 absentee voter who qualifies pursuant to this section may, by
26 facsimile transmission, register to vote and apply for an absent
27 voter's ballot. Upon request, the elections official may send to the
28 qualified special absentee voter either by mail, facsimile, or
29 electronic transmission the special absentee ballot or, if available,
30 an absent voter's ballot pursuant to Chapter 1 (commencing with
31 Section 3000).

32 SEC. 2.6. Section 3103 of the Elections Code is amended to
33 read:

34 3103. (a) Notwithstanding any other provision of the law, a
35 special absentee voter who qualifies pursuant to this section may
36 apply for a special absentee voter ballot. Any application made
37 pursuant to this section that is received by the elections official
38 prior to the 60th day before the election shall be kept and processed
39 on or after the 60th day before the election.

1 (b) If a special absentee voter submits an application
2 containing a statement that provides that due to military or other
3 contingencies that preclude normal mail delivery, as specified by
4 the voter, the voter cannot vote an absentee ballot during the
5 normal absentee voting period, and the voter is otherwise qualified
6 to vote as a special absentee voter, the elections official shall
7 immediately send the voter a ballot in a form prescribed and
8 provided by the Secretary of State, or a ballot and voter registration
9 card if required by Section 3100. The elections official shall send
10 with the ballot a list of all candidates who have qualified for the
11 ballot by the 60th day before the election and a list of all measures
12 that are to be submitted to the voters and on which the voter is
13 qualified to vote. The voter shall be entitled to write in the name
14 of any specific candidate seeking nomination or election to any
15 office listed on the ballot.

16 (c) Notwithstanding Section 15341 or any other provision of
17 law, any name written upon a ballot for a particular office pursuant
18 to subdivision (b) shall be counted for the office or nomination.

19 (d) The elections official shall receive and canvass special
20 absentee voter ballots described in this section under the same
21 procedure as absent voter ballots, insofar as that procedure is not
22 inconsistent with this section, except that prior to election day,
23 special absentee voter ballots shall be secured separately in a
24 sealed ballot box reserved for that purpose.

25 (e) In the event that a voter executes a special absentee ballot
26 pursuant to this section and the military or other contingency does
27 not exist during the normal absentee voting period, that voter may
28 make an application for an absentee ballot pursuant to Sections
29 3100 and 3101. If an application is made pursuant to this
30 subdivision, the elections official shall reject the voted ballot
31 previously cast and process the application in accordance with
32 Chapter 1 (commencing with Section 3000).

33 (f) Notwithstanding any other provision of law, a special
34 absentee voter who qualifies pursuant to this section may, by
35 facsimile transmission, register to vote and apply for an absent
36 voter's ballot. Upon request, the elections official shall send to the
37 qualified special absentee voter either by mail or facsimile
38 transmission the special absentee ballot or, if available, an absent
39 voter's ballot pursuant to Chapter 1 (commencing with Section
40 3000).

1 SEC. 2.7. Section 3103 of the Elections Code is amended to
2 read:

3 3103. (a) Any application made pursuant to this chapter that
4 is received by the elections official prior to the 60th day before the
5 election shall be kept and processed on or after the 60th day before
6 the election.

7 (b) The elections official shall immediately send the voter a
8 ballot in a form prescribed and provided by the Secretary of State.
9 The elections official shall send with the ballot a list of all
10 candidates who have qualified for the ballot by the 60th day before
11 the election and a list of all measures that are to be submitted to the
12 voters and on which the voter is qualified to vote. The voter shall
13 be entitled to write in the name of any specific candidate seeking
14 nomination or election to any office listed on the ballot.

15 (c) Notwithstanding Section 15341 or any other provision of
16 law, any name written upon a ballot for a particular office pursuant
17 to subdivision (b) shall be counted for the office or nomination,
18 providing the candidate whose name has been written on the ballot
19 has, as of the date of the election, qualified to have his or her name
20 placed on the ballot for the office, or has qualified as a write-in
21 candidate for the office.

22 (d) The elections official shall receive and canvass special
23 absentee voter ballots described in this section under the same
24 procedure as absent voter ballots, insofar as that procedure is not
25 inconsistent with this section.

26 (e) In the event that a voter executes a special absentee ballot
27 pursuant to this section and an application for an absentee ballot
28 pursuant to Section 3101, the elections official shall reject the
29 voted ballot previously cast, cancel the voter's permanent absent
30 voter status, and process the application in accordance with
31 Chapter 1 (commencing with Section 3000).

32 (f) Notwithstanding any other provision of law, a special
33 absentee voter who qualifies pursuant to this section may, by
34 facsimile transmission, register to vote and apply for an absent
35 voter's ballot. Upon request, the elections official may send to the
36 qualified special absentee voter either by mail, facsimile, or
37 electronic transmission the special absentee ballot or, if available,
38 an absent voter's ballot pursuant to Chapter 1 (commencing with
39 Section 3000).



1 SEC. 3. Section 3304 of the Elections Code is amended to
2 read:

3 3304. (a) A voter described in Section 3302 may apply for an
4 absent voter ballot. Any application made pursuant to this section
5 that is received by the elections official prior to the 60th day before
6 the election shall be kept and processed on or after the 60th day
7 before the election.

8 (b) If the voter submits an application containing a statement
9 that provides that due to contingencies that preclude normal mail
10 delivery, as specified by the voter, the voter cannot vote an
11 absentee ballot during the normal absentee voting period, and the
12 voter is otherwise qualified to vote as provided in this chapter, the
13 elections official shall immediately send the voter a ballot in a
14 form prescribed and provided by the Secretary of State, or a ballot
15 and voter registration card if required by Section 3307. The
16 elections official shall send with the ballot a list of all candidates
17 who have qualified for the ballot by the 60th day before the
18 election and for whom the voter is qualified to vote. The voter shall
19 be entitled to write in the name of any specific candidate seeking
20 the nomination or election to any office listed on the ballot.

21 (c) Notwithstanding Section 15341 or any other provision of
22 law, any name written upon a ballot for a particular office pursuant
23 to subdivision (b) shall be counted for the office or nomination.

24 (d) The elections official shall receive and canvass the absent
25 voter ballots described in this section under the same procedure as
26 other absent voter ballots, insofar as that procedure is not
27 inconsistent with this section, except that prior to election day, the
28 absent voter ballots described in this section shall be secured
29 separately in a sealed ballot box reserved for that purpose.

30 SEC. 3.5. Section 3304 of the Elections Code is amended to
31 read:

32 3304. (a) Any application made pursuant to this chapter that
33 is received by the elections official prior to the 60th day before the
34 election shall be kept and processed on or after the 60th day before
35 the election.

36 (b) The elections official shall send with the ballot a list of all
37 candidates who have qualified for the ballot by the 60th day before
38 the election and for whom the voter is qualified to vote. The voter
39 shall be entitled to write in the name of any specific candidate
40 seeking the nomination or election to any office listed on the ballot.

(c) Notwithstanding Section 15341 or any other provision of law, any name written upon a ballot for a particular office pursuant to subdivision (b) shall be counted for the office or nomination, providing the candidate whose name is written on the ballot has, as of the date of the election, qualified to have his or her name placed on the ballot for the office, or has qualified as a write-in candidate for the office.

(d) The elections official shall receive and canvass the absent voter ballots described in this section under the same procedure as other absent voter ballots, insofar as that procedure is not inconsistent with this section.

SEC. 4. Section 3500 of the Elections Code is amended to read:

3500. Any new citizen is eligible to register and vote at the office of the county elections official at any time beginning on the 14th day before an election and ending on the seventh day prior to election day.

SEC. 5. Section 4101 of the Elections Code is amended to read:

4101. Notwithstanding Sections 12111, 13300, and 13303, the elections official shall not commence to mail the combined sample ballot and mail ballot prior to the 29th day before the election and shall complete the mailing by the 10th day before the election.

SEC. 5.5. Section 4101 of the Elections Code is amended to read:

4101. Notwithstanding Sections 13300 and 13303, the elections official shall not commence to mail the combined sample ballot and mail ballot prior to the 29th day before the election and shall complete the mailing by the 10th day before the election.

SEC. 6. Section 7227 of the Elections Code is amended to read:

7227. In each county the name of each candidate for member of a committee shall appear upon the ballot only upon the filing of a nomination paper pursuant to Article 2 (commencing with Section 8020) to Article 6 (commencing with Section 8100), inclusive, of Chapter 1 of Part 1 of Division 8, signed in his or her behalf by the voters of the Assembly or supervisorial district in which he or she is a candidate.

SEC. 7. Section 7422 of the Elections Code is amended to read:

7422. In each county the name of each candidate for member of a committee shall appear upon the ballot only upon the filing of a nomination paper pursuant to Article 2 (commencing with Section 8020) to Article 6 (commencing with Section 8100), inclusive, of Chapter 1 of Part 1 of Division 8, signed on his or her behalf by the voters of the Assembly or supervisorial district in which he or she is a candidate.

SEC. 8. Section 7672 of the Elections Code is amended to read:

7672. In each county the name of each candidate for member of a committee shall appear upon the ballot only upon the filing of a nomination paper pursuant to Article 2 (commencing with Section 8020) to Article 6 (commencing with Section 8100), inclusive, of Chapter 1 of Part 1 of Division 8, signed on his or her behalf by the voters of the Assembly or supervisorial district in which he or she is a candidate.

SEC. 9. Section 7770 of the Elections Code is repealed.

SEC. 10. Section 7770 is added to the Elections Code, to read:

7770. The state party chairperson, no later than the 135th day before the direct primary election, shall notify the Secretary of State whether or not a county central committee election will be held. In the event that a county central committee election is not held, a county central committee will be convened pursuant to rules adopted by the party.

SEC. 11. Section 7772 of the Elections Code is amended to read:

7772. In each county, the name of each candidate for member of central committees shall appear on the ballot only if she or he has done either of the following:

(a) Filed a nomination paper pursuant to Article 2 (commencing with Section 8020) to Article 6 (commencing with Section 8100), inclusive, of Chapter 1 of Part 1 of Division 8, signed in the candidate's behalf by the voters of the central committee election district in which she or he is a candidate.

(b) Qualified to have her or his name printed on the direct primary ballot as a candidate for the Peace and Freedom Party nomination to a partisan public office.

SEC. 12. *Section 8022 of the Elections Code is repealed.*

8022. (a) Each candidate for a party nomination for the office of State Senator or Member of the Assembly, or for any state constitutional office, or for Insurance Commissioner, at the direct primary election shall file a written and signed declaration of his or her intention to become a candidate for his or her party's nomination for that office. The declaration of intention shall be filed with either the Secretary of State or the elections official of the county in which the candidate is a resident. The declaration of intention shall be filed, on a form to be supplied by the elections official, not more than 14 nor less than five days prior to the first day on which nomination papers may be presented for filing. If the incumbent fails to file a declaration of intention by the end of that period, persons other than the incumbent may file declarations of intention no later than the first day for filing nomination papers. However, if the incumbent's failure to file a declaration of intention is because he or she has already served the maximum number of terms permitted by the California Constitution for that office, there shall be no extension of the period for filing the declaration of intention. The filing fees and copies of all declarations of intention filed with the county elections official in accordance with this article shall be immediately forwarded to the Secretary of State. The declaration of intention provided for in this section shall be in substantially the following form:

—I hereby declare my intention to become a candidate

for the _____ Party's nomination

_____ (Name of political party)

for the office of _____

_____ (Name of office and district, if any)

at the direct primary election.

(Signature of candidate)

(Address of candidate)

(b) No person may be a candidate nor have his or her name printed upon any ballot as a candidate for a party nomination for the office of Senator or Member of the Assembly, or for any state constitutional office, or for Insurance Commissioner at the direct primary election unless he or she has filed the declaration of

~~intention provided for in this section. However, if the incumbent of the office who is affiliated with any qualified political party files a declaration of intention, but for any reason fails to qualify for nomination for the office by the last day prescribed for the filing of nomination papers, an additional five days shall be allowed for the filing of nomination papers for the office, and any person, other than the incumbent if otherwise qualified, may file nomination papers for the office during the extended period, notwithstanding that he or she has not filed a written and signed declaration of intention to become a candidate for the office as provided in subdivision (a).~~

SEC. 13. Section 8022 is added to the Elections Code, to read:

8022. Notwithstanding Section 8020 or any other provision of the law, if nomination documents for an incumbent state Senator, Member of the Assembly, state constitutional officer, or Insurance Commissioner are not delivered by 5 p.m. on the 88th day before the direct primary election, any person other than the person who was the incumbent on the 88th day shall have until 5 p.m. on the 83rd day before the election to file nomination documents for the elective office.

However, if the incumbent's failure to file nomination documents is because he or she has already served the maximum number of terms permitted by the California Constitution for that office, there shall be no extension of the period for filing the nomination documents.

SEC. 14. Section 8023 of the Elections Code is repealed.

~~8023. (a) Except in the case of a judicial office filled in accordance with subdivision (d) of Section 16 of Article VI of the Constitution, every candidate for a judicial office, not more than 14 nor less than five days prior to the first day on which his or her nomination papers may be circulated and signed or may be presented for filing, shall file in the office of the elections official in which his or her nomination papers are required to be filed or left for examination, a written and signed declaration of his or her intention to become a candidate for that office on a form to be supplied by the elections officials. A candidate for a numerically designated judicial office shall state in his or her declaration for which office he or she intends to become a candidate. This section shall apply to all judicial offices whether numerically designated or not.~~

~~(b) No person may be a candidate nor have his or her name printed upon any ballot as a candidate for judicial office unless he or she has filed the declaration of intention provided for in this section. If the incumbent of a judicial office fails to file a declaration of intention by the end of the period specified in subdivision (a), persons other than the incumbent may file declarations of intention no later than the first day for filing nomination papers.~~

~~(c) No candidate for a judicial office shall be required to state his or her residential address on the declaration of intention provided for in this section. However, in cases where the candidate does not state his or her residential address on the declaration of intention, the elections official shall verify that the address is within the appropriate political subdivision and add the notation “verified” to the residential address line of the form.~~

SEC. 15. Section 8105 of the Elections Code is amended to read:

8105. ~~The filing fees for all candidates required to file declarations of intention to become a candidate shall be paid at the time such declarations are filed with the county elections official.~~ The filing fees for all other candidates shall be paid at the time the candidates obtain their nomination forms from the county elections official. The county elections official shall not accept any papers unless the fees are paid at the time required by this section, or unless satisfactory evidence is given to the county elections official or to the registrar of voters that the fee has been paid at the time of the declaration of candidacy in another county. The county elections official shall transmit the appropriate fees to the Secretary of State at the time he or she delivers the declarations of candidacy for filing. All filing fees received by the Secretary of State and elections officials are nonrefundable.

SEC. 16. Section 8202 of the Elections Code is amended to read:

8202. The numerically designated offices shall be grouped and arranged on all ballots in numerical order. ~~No~~ A person may ~~not~~ be a candidate ~~nor~~ or have his or her name printed upon any ballot as a candidate for any numerically designated office other than the one indicated by him or her in his or her ~~declaration of intention to become a candidate~~ nomination papers.

1 *SEC. 17. Section 8204 of the Elections Code is amended to*
2 *read:*

3 8204. (a) If an incumbent of a judicial office dies on or before
4 the last day prescribed for the filing of nomination papers, or ~~files~~
5 ~~a declaration of intention but for any reason fails to file his or her~~
6 nomination papers by the last day prescribed for the filing of the
7 papers, an additional five days shall be allowed for the filing of
8 nomination papers for the office.

9 (b) Any *qualified* person; other than the person who was the
10 incumbent, ~~if otherwise qualified,~~ may file nomination papers for
11 the office during the extended period, ~~notwithstanding that he or~~
12 ~~she has not filed a written and signed declaration of intention to~~
13 ~~become a candidate for the office as provided in Sections 8023 and~~
14 ~~8204.~~

15 *SEC. 18. Chapter 2 (commencing with Section 8350) of Part*
16 *2 of Division 8 of the Elections Code is repealed.*

17 *SEC. 19. Section 10220 of the Elections Code is amended to*
18 *read:*

19 10220. Candidates may be nominated for any of the elective
20 offices of the city in the following manner:

21 Not earlier than the 113th day nor later than the 88th day before
22 a municipal election during normal office hours, as posted, the
23 voters may nominate candidates for election by signing a
24 nomination paper. Each candidate shall be proposed by not less
25 than 20 nor more than 30 voters in a city of 1,000 registered voters
26 or more, and not less than five nor more than 10 voters in a city of
27 less than 1,000 registered voters, but only one candidate may be
28 named in any one nomination paper. No voter may sign more than
29 one nomination paper for the same office, and in the event the voter
30 does so, that voter's signature shall count only on the first
31 nomination paper filed which contains the voter's signature.
32 Nomination papers subsequently filed and containing that voter's
33 signature shall be considered as though that signature does not
34 appear thereon. Each seat on the governing body is a separate
35 office. Any person registered to vote at the election, and qualified
36 to vote for the elective office of the city for which the nomination
37 is made, may circulate a nomination paper. Only one person may
38 circulate each nomination paper. Where there are full terms and
39 short terms to be filled, the term shall be specified in the
40 nomination paper.

1 ~~SEC. 13.~~

2 *SEC. 20.* Section 10411 of the Elections Code is amended to
3 read:

4 10411. In case of the consolidation of any election called by
5 the legislative body of a city, district, or other political subdivision
6 with an election held in the county or counties in which the city,
7 district, or other political subdivision is situated, the governing
8 body of the city, district, or other political subdivision may
9 authorize the board of supervisors to canvass the returns of the
10 election. If this authority is given:

11 (a) The election shall be held in all respects as if there were only
12 one election.

13 (b) Only one form of ballot shall be used.

14 (c) The returns of the election need not be canvassed by the
15 legislative body of the authorizing city, district, or other political
16 subdivision.

17 If the authority is given to the board of supervisors, the canvass
18 shall be made in accordance with Article 1 (commencing with
19 Section 15300) of Chapter 4 of Division 15.

20 ~~SEC. 13.5.~~

21 *SEC. 21.* Section 10411 of the Elections Code is amended to
22 read:

23 10411. In case of the consolidation of any election called by
24 the legislative body of a city, district, or other political subdivision
25 with an election held in the county or counties in which the city,
26 district, or other political subdivision is situated, the governing
27 body of the city, district, or other political subdivision may
28 authorize the board of supervisors to canvass the returns of the
29 election. If this authority is given:

30 (a) The election shall be held in all respects as if there were only
31 one election.

32 (b) Only one form of ballot shall be used.

33 (c) The returns of the election need not be canvassed by the
34 legislative body of the authorizing city, district or other political
35 subdivision.

36 If the authority is given to the board of supervisors, the canvass
37 shall be made in accordance with Article 1 (commencing with
38 Section 15300) of Chapter 4 of Division 15.

39 ~~SEC. 14.~~

1 *SEC. 22.* Section 11020 of the Elections Code is amended to
2 read:

3 11020. The notice of intention shall contain all of the
4 following:

5 (a) The name and title of the officer sought to be recalled.

6 (b) A statement, not exceeding 200 words in length, of the
7 reasons for the proposed recall.

8 (c) The printed name, signature, and residence address of each
9 of the proponents of the recall. If a proponent cannot receive mail
10 at the residence address, he or she must provide an alternative
11 mailing address. The minimum number of proponents is 10, or
12 equal to the number of signatures required to have been filed on
13 the nomination paper of the officer sought to be recalled,
14 whichever is higher.

15 (d) The provisions of Section 11023.

16 ~~*SEC. 15.*~~

17 *SEC. 23.* Section 13113 of the Elections Code is amended to
18 read:

19 13113. (a) In the case of an election of candidates in a special
20 district, school district, charter city (whose charter does not
21 provide to the contrary), or other local government body,
22 occurring on other than one of the election dates specified in
23 subdivision (b) of Section 13112, the official responsible for
24 conducting the election shall, at the same time that the election is
25 called, notify the Secretary of State by registered mail of the date
26 of the election, the date of the close of filing, and the last possible
27 date for filing in the event there is an extension of filing due to an
28 incumbent failing to file. The Secretary of State shall conduct a
29 randomized alphabet drawing on the first weekday following the
30 last possible day of filing for the election according to subdivision
31 (a) of Section 13112.

32 (b) If two or more drawings for local government elections
33 would occur on the same date, the Secretary of State may use a
34 single randomized alphabet drawing for all of these elections. The
35 Secretary of State shall communicate the results of the drawing by
36 registered mail to each respective official responsible for
37 conducting the election who shall use it to determine the order on
38 the ballot of all candidates' names.

39 (c) All drawings held pursuant to this section shall be open to
40 the public.

1 ~~SEC. 15.5.~~

2 *SEC. 24.* Section 13113 of the Elections Code is amended to
3 read:

4 13113. (a) In the case of an election of candidates in a special
5 district, school district, charter city (whose charter does not
6 provide to the contrary), or other local government body,
7 occurring on other than one of the election dates specified in
8 subdivision (b) of Section 13112, the official responsible for
9 conducting the election shall, at the same time that the election is
10 called, notify the Secretary of State by registered mail of the date
11 of the election, the date of the close of filing, and the last possible
12 date for filing in the event there is an extension of filing due to an
13 incumbent failing to file. The Secretary of State shall conduct a
14 randomized alphabet drawing on the first weekday following the
15 last possible day of filing for the election according to subdivision
16 (a) of Section 13112.

17 (b) Except as provided for runoff elections in subdivision (d),
18 if two or more drawings for local government elections would
19 occur on the same date, the Secretary of State may use a single
20 randomized alphabet drawing for all of these elections. The
21 Secretary of State shall communicate the results of the drawing by
22 registered mail to each respective official responsible for
23 conducting the election who shall use it to determine the order on
24 the ballot of all candidates' names.

25 (c) All drawings held pursuant to this section shall be open to
26 the public.

27 (d) If two randomized alphabets are drawn for the same
28 election, the results of the second randomized alphabet drawing
29 shall be clearly set apart from the first and shall be labeled "FOR
30 USE IN A RUNOFF ELECTION ONLY."

31 ~~SEC. 16.~~

32 *SEC. 25.* Section 14242 of the Elections Code is amended to
33 read:

34 14242. The ground for challenge set forth in paragraph (2) of
35 subdivision (a) of Section 14240 shall not apply to any person duly
36 registered as a voter in any precinct in California and moving from
37 that precinct within 14 days prior to an election.

38 ~~SEC. 17.—~~

39 *SEC. 26.* Section 26802 of the Government Code is amended
40 to read:

26802. Except as provided by law, the county clerk shall register as voters any electors who apply for registration and shall perform any other duties required of him or her by the Elections Code. In those counties in which a registrar of voters office has been established, the registrar of voters shall discharge all duties vested by law in the county clerk that relate to and are a part of election procedure.

~~SEC. 18.—~~

SEC. 27. Section 9358 of the Public Resources Code is amended to read:

9358. Nomination of candidates shall be in writing and signed by at least five landowners of the district. Nominations shall be filed with the county elections official of the principal county.

~~SEC. 19.—~~

SEC. 28. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

~~SEC. 20.—~~

SEC. 29. (a) Section 2.5 of this bill incorporates amendments to Section 3103 of the Elections Code proposed by both this bill and AB 188. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 3103 of the Elections Code, and (3) AB 1679 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after AB 188, in which case Sections 2, 2.6, and 2.7 of this bill shall not become operative.

(b) Section 2.6 of this bill incorporates amendments to Section 3103 of the Elections Code proposed by both this bill and AB 1679. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 3103 of the Elections Code, (3) AB 188 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after AB 1679, in which case Sections 2, 2.5, and 2.7 of this bill shall not become operative.

(c) Section 2.7 of this bill incorporates amendments to Section 3103 of the Elections Code proposed by this bill, AB 188, and AB 1679. It shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2004, (2) all three bills amend Section 3103 of the Elections Code, and (3) this bill is enacted after AB 188 and AB 1679, in which case Sections 2, 2.5, and 2.6 of this bill shall not become operative.

~~SEC. 21.—~~

SEC. 30. Section 3.5 of this bill incorporates amendments to Section 3304 of the Elections Code proposed by both this bill and AB 188. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 3304 of the Elections Code, and (3) this bill is enacted after AB 188, in which case Section 3 of this bill shall not become operative.

~~SEC. 22.—~~

SEC. 31. Section 5.5 of this bill incorporates amendments to Section 4101 of the Elections Code proposed by both this bill and AB 1679. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 4101 of the Elections Code, and (3) this bill is enacted after AB 1679, in which case Section 5 of this bill shall not become operative.

~~SEC. 23.—~~

SEC. 32. Section ~~13.5~~ 21 of this bill incorporates amendments to Section 10411 of the Elections Code proposed by both this bill and AB 1679. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 10411 of the Elections Code, and (3) this bill is enacted after AB 1679, in which case Section ~~13~~ 20 of this bill shall not become operative.

~~SEC. 24.—~~

SEC. 33. Section ~~15.5~~ 24 of this bill incorporates amendments to Section 13113 of the Elections Code proposed by both this bill and AB 718. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 13113 of the Elections Code,

1 and (3) this bill is enacted after AB 718, in which case Section ~~45~~
2 23 of this bill shall not become operative.

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